

MINUTES

UTAH CONSTRUCTION SERVICES COMMISSION

February 28, 2007

Room 474-4th Floor-9:00 A.M.
Heber Wells Building
160 East 300 South
Salt Lake City, Utah

CONVENED: 9:10 AM

ADJOURNED: 11:15 PM

DOPL STAFF

F. David Stanley, *Director*
Dennis Meservy, *Bureau Manager*
Wayne Holman, *Investigations Supervisor*
Yvonne King, *Commission Secretary*
Clyde Ormond, *Bureau Manager (Bureau 6)*
Lenore Epstein, *Attorney General's Office*

MEMBERS PRESENT

Bradley Stevens, *Chairman & Electrical Board Chairman*
Wendy Gibbs
Larry Love, *Burglar Alarm Chairman*
Steve Bowers
Floyd Jackson
Joel (Marty) Jolley
Carl Tippetts
John Wilcox

MEMBERS EXCUSED

Robert Dudley, *Plumber's Board Chairman*

VISITORS

Ross Ford, *HBA*
Sarah Engebritson, *Utah Contractor Center*
Vern Peterson, *ICC*
Mark Steiner, *Care Roofing*

MINUTES

Joel Jolley made a motion to approve the minutes for the January 2007 commission meeting. John Wilcox seconded the motion and all members voted in favor.

UPCOMING HEARING

Dennis Meservy stated there was a hearing scheduled before the commission on April 25, 2007 for A.K. & R. Whipple Plumbing and Heating. There was a chance the matter may be settled. However, the commission members needed to set aside time for the hearing.

**MARK STEINER
CARE ROOFING**

Mark Steiner has a probationary license under the name of Care Roofing. This meeting with Steiner was at the request of the commission. Steiner had taken his random drug tests as required and the results had all been negative. Steiner stated his business was doing well and he was living with his wife and family. The commission indicated there was no need for Steiner to report back to the commission unless an issue appeared down the road that needed to be addressed.

**SOLAR PHOTOVOLTAIC
LICENSE CLASSIFICATION**

Brad Stevens stated the electrical board, as requested by the commission, reviewed the proposed S202 Solar Photovoltaic license classification. The board made the decision to remove the language in this license classification that limited the work to 25 kilowatts. The wording has been changed and will be included in the proposed administrative rule changes for the construction trades. These proposed changes to the administrative rules will be available for the commission to review at their next commission meeting in March.

INSURANCE

Floyd Jackson, in the January 2007 commission meeting, discussed having a system to check the liability insurance for contractors like they do for car insurance. The automobile data base is maintained by a private company and the company notifies car owners when their insurance is dropped. There are legal ramifications if the owner of the car fails to respond. Steve Bowers and Carl Tippetts had been asked to report what the Associated Builders and Contractors Association (ABC) and Associated General Contractors Association (AGC) thought about legislation to pursue this idea. The response was the two associations would be willing to pursue the issue if it was supported by the Home Builders Association (HBA). Ross Ford of HBA commented this had already been tried three times with the state legislature and each time the legislation was killed by the insurance industry. Bowers and Tippetts are involved in large commercial projects. They said they require proof of insurance from the contractors they use and insurance was not an issue to them.

It was concluded that what was being considered was most likely trying to address an issue that was quite small in numbers. The vast majority of the contractors in the state did carry insurance. Division audits could be used to address the issue.

MULTI-STATE ELECTRICAL GROUP

Bradley Stevens presented an agreement that would allow Texas into the Multi-State Electrical Group with the understanding that reciprocity or endorsement would only apply to journeyman electricians that passed the Texas State exam as of January 1, 2006. Wilcox made a motion to approve the agreement. Tippetts seconded the motion and all members voted in favor.

INVESTIGATIONS

Wayne Holman submitted a report on criminal misdemeanor filings, criminal felony filings, administrative filings, citation fines, administrative fines, cases received, cases assigned, cases closed, citations issued, site surveys, building inspectors contacts, MHRV inspections, owner/builder permits received, owner/builder investigations and letter of warnings. This report gave a comparison for the years 2003 to February 2007.

DISCIPLINARY REVIEW

SANDIA BUILDERS

Meservy presented a Stipulation and Order where Sandia agreed to surrender their license to practice as a contractor. They had cancelled their insurance as of February 16, 2006 and were no longer doing work in Utah. Wendy Gibbs made a motion to approve the stipulation. Jolley seconded the motion and all members voted in favor.

FRANCIS BENEDICTO

Meservy presented a Stipulation and Order for Francis Benedicto. Benedicto's license shall be placed on probation. Benedicto had worked as a contractor prior to reinstating his residential and small commercial contractor's license and had also done electrical and plumbing work without the proper licensing.

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Benedicto is fined three thousand dollars. However, two thousand dollars of the fine would be suspended if the remaining thousand dollars was paid within thirty days. Wilcox made a motion to approve the stipulation. Larry Love seconded the motion and all members voted in favor.

ELITE PAINTING CO.

Meservy presented an Order of Dismissal for Elite Painting Co. that would dismiss, without prejudice, the notice of agency action, hearing and petition. Tippetts made a motion to approve the order. Love seconded the motion and all members voted in favor.

BRAD B. McCOY

Meservy presented a Memorandum of Understanding and Order for Brad B. McCoy to be issued a probationary license to practice as a journeyman electrician. Jackson made a motion to approve the memorandum. Gibbs seconded the motion and all members voted in favor.

DAVID E. THORPE (Alarm Agent)

Clyde Ormond presented a Memorandum of Understanding and Order to issue David E. Thorpe a probationary license to practice as a Burglar Alarm Agent. Jackson made a motion to approve the memorandum. Love seconded the motion and all members voted in favor.

All business concluded meeting adjourned.

Note: This report is not intended to be a verbatim transcript, but is intended to record the significant features of what was discussed in the meeting. Discussed items are not necessarily arranged in chronological order.

Commission Chairman

Date _____

Bureau Manager

Date _____